

Date of decision: 14.3.1996.

For approval and signature

The Honourable Mr. Justice R. R. Jain

and

The Honourable Mr. Justice H. R. Shelat

Mr. J.J. Yagnik, advocate for the petitioner.

Mr. M.B. Buch, advocate for the respondent.

1. Whether Reporters of Local Papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Coram: R.R.Jain & H.R. Shelat, JJ.

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March 14, 1996.

Oral judgment (Per Jain, J.)

Alleging non-compliance of order passed by Commissioner for Workmen's Compensation in Workman Compensation Application No.112/82 dated 9.8.1984, the petitioner has filed this petition for initiating contempt proceedings against the respondent.

Learned advocate for the respondent has drawn our attention to Section 31 of the Workmen's Compensation Act which provides for recovery of amount awarded in compensation cases as land revenue. If an alternative mode of recovery is available, we are not inclined to exercise jurisdiction under the Contempt of Courts Act as contempt is not substitute of execution and, therefore, in our view, the petition is not maintainable. Consequently, the proceedings are required to be dropped and accordingly are dropped. Rule discharged. No costs.